

FILED: 7/8/2015

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV15-4228-GHK (AGRx)	Date	July 8, 2015
Title	William M. Pate v. Bodega Latina Corporation dba El Super		

Presiding: The Honorable

GEORGE H. KING, CHIEF U. S. DISTRICT JUDGE

Beatrice Herrera

N/A

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: (In Chambers) Order re: (1) Motion Seeking Leave to Amend the Corrected Petition for Temporary Injunction Under Section 10(j) of the National Labor Relations Act [Dkt. 26]; (2) Ex Parte Application for an Order Shortening Time for the Court to Hear the Motion Seeking Leave to Amend the Corrected Petition for Temporary Injunction Under Section 10(j) of the National Labor Relations Act [Dkt. 30]

On July 6, 2015, the National Labor Relations Board (the "NLRB") filed the above-captioned Application, seeking to expedite briefing and a hearing on its Motion Seeking Leave to Amend the Corrected Petition for Temporary Injunction Under Section 10(j) of the National Labor Relations Act ("Motion"). The NLRB's Application is **DENIED** for failing to meet the rigorous standard for obtaining ex parte relief. Beyond stating that "the need for interim injunctive relief requires expedition," (see Mem. at 2), the NLRB offers no explanation as to why it would be "irreparably prejudiced if the motion is heard on the regular motion calendar." See *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488, 493 (C.D. Cal. 1995). More importantly, the NLRB has failed to "establish that it was without fault in creating whatever it is that it perceives as a crisis condition." See *id.* It is unclear why the NLRB waited so long to seek to amend its Petition and why it could not have sought such relief by filing a properly-noticed Motion.

The NLRB's Motion, [Dkt. 26], which was filed on July 6, 2015 and noticed for a July 20, 2015 hearing, is **STRICKEN** for violation of Local Rule 6-1. See L.R. 6-1 (requiring that "[t]he notice of motion [] be filed with the Clerk not later than twenty-eight (28) days before the date set for hearing"); see also L.R. 7-4 (stating that we "may decline to consider a motion" that does not meet these requirements).

IT IS SO ORDERED.

Initials of Deputy Clerk

DG for Bea